

HOUSE No. 657

The Commonwealth of Massachusetts

PRESENTED BY:

Peter J. Koutoujian

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act to secure the right of blind and visually impaired people to vote under the same conditions of privacy and independence as sighted people.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Peter J. Koutoujian	10th Middlesex
Christine E. Canavan	10th Plymouth

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 676 OF 2007-2008.]

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT TO SECURE THE RIGHT OF BLIND AND VISUALLY IMPAIRED PEOPLE TO VOTE UNDER THE SAME CONDITIONS OF PRIVACY AND INDEPENDENCE AS SIGHTED PEOPLE.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority
of the same, as follows:*

1 SECTION 1. This Act may be cited as “The Accessible Voting Technology Act of 2003”.

2 SECTION 2. Findings.

3 The legislature makes the following findings:

4 (1) Microchip and digital technologies are increasingly changing the way Americans vote.

5 (2) State and political subdivisions are replacing antiquated voting methods and machines with computer and
6 electronic-based voting systems, but non-visual access, whether by speech, Braille, or other appropriate means is
7 often overlooked in certifying and purchasing the latest voting technology.

8 (3) Voting technology and systems which allow the voter to access and select information solely through a visual
9 means are a barrier to access by individuals who are blind or visually impaired, thereby discouraging them from
10 exercising the right to vote — the most fundamental right of citizenship in a free and democratic society.

11 (4) Software and hardware adaptations have been created so that voters can interact with voting technology and
12 systems through both visual and non-visual means allowing blind and visually impaired people to cast a secret ballot
13 and independently verify their vote

14 (5) In promoting full participation in the electoral process, the goals of the state and its political subdivisions must
15 recognize the incontrovertible right of all citizens regardless of blindness or visual impairment to vote; and

16 (6) This right must include the opportunity for individuals who are blind or visually impaired to cast and verify their
17 ballots independently.

18 SECTION 3. Definitions

19 In this Act:

20 (1) The term “access” means the ability to receive, use, select, and manipulate data and operate controls included in
21 voting technology and systems.

22 (2) The term “non-visual” means synthesized speech, Braille, and other output methods not requiring sight.

23 SECTION 4. Requirements for accessible voting technology and systems.

24 (1) The state chief election officer shall require (by certification or otherwise) that the voting technology and
25 systems used by the state or any political subdivision provide blind and visually impaired individuals with access
26 which is equivalent to that provided to individuals who are not blind or visually impaired, including the ability for
27 the voter to cast and verify all selections made by both visual and non-visual means.

28 (2) In requiring non-visual access pursuant to subparagraph 1, the chief election officer shall obtain
29 recommendations from representatives of blind consumer organizations, experts in accessible software and hardware
30 design, and any other individual or organization the chief election officer determines to be appropriate.

31 SECTION 5. Existing technology and systems.

32 (1) Compliance with this Act in regard to voting technology and systems purchased prior to the effective date of this
33 Act shall be achieved at the time of procurement of an upgrade or replacement of the existing equipment or systems.

34 SECTION 6. Action for injunction

35 (1) A person injured by a violation of this Act may maintain an action for injunctive relief to enforce the terms of
36 this Act.

37 (a) Limitation period for a civil action.—

38 (1) Any such action shall be commenced within four years after the cause of action accrues.

39 (2) For the purposes of this subsection, a cause of action for a continuing violation accrues at the time of the latest
40 violation.

41 SECTION 7. Effective date.

42 This act shall take effect and be in force from the date of enactment of this Act.